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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,975	02/12/2004	Mark Vincent Loen		3225
47880	7590	01/30/2006	EXAMINER	
MARK V. LOEN 1817 N. DOBSON RD APT 1066 CHANDLER, AZ 85224			RATCLIFFE, LUKE D	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/776,975	LOEN, MARK VINCENT	
	Examiner Luke D. Ratcliffe	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1,2,7,10 and 11 is/are rejected.
- 7) Claim(s) 3-6,8,9,12 and 13 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 February 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lysen (5430539) in view of Wick (6580519).

Referring to **claim 1**, Lysen shows a method of measuring the orientation angle of a rotational axis to a reference line using a collimated light source that is rotated (figure 1 Ref 3), and using reference points (figure 1 Ref 4a, 4b, 4c, 4d, and 4e) in a reference line to determine the minimum distance between the collimated light beam and the reference line (figure 1 and column 1-3), the distance between the measurement locations is known and the orientation angle of the rotational axis to the reference line is calculated (figure 2). Lysen does not show that a string represents the reference line and that the measurements are taken with respect to the string only that the measurements are taken with respect to the reference line that the sensors make.

Wick teaches that a string can represent a reference line or reference plane that a rotational body may be manually measured with respect to and that the minimum distance between a collimated light beam and a reference string can be measured at more than one locations (column 1 line 13-37). Wick does not show a collimated light source that is rotated, or that the distance between the locations is know. It would have

been obvious to modify Lysen to include the reference string taught by Wick because a string is a simple way to show a reference line between two points and would be simple to take a measurement with respect to a rotational body as taught by Wick.

Referring to **claim 2**, Lysen shows a rotational axis is attached to a mounting base (figure 1 and figures 6-10).

Referring to **claim 7**, Lysen shows a collimated light sources that is movable substantially perpendicular to said reference line and said movement is measured relative to said mounting base (figure 1 and figures 6-10).

Referring to **claim 10**, it would be inherent that the rotational axis is attached to a mounting base because this is the only way that something could practically rotate on one single axis.

Referring to **claim 11**, Lysen shows a collimated light sources that is movable substantially perpendicular to said reference line and said movement is measured relative to said mounting base (figure 1 and figures 6-10).

Response to Arguments

Applicant's arguments filed 1/5/06 have been fully considered but they are not persuasive. Lysen shows a measurement that is done in a plane that is of a perpendicular orientation to the rolling axis. Also with respect to the argument that Wick discloses a string that is not defining a plane; Wick column 1 lines 33-37 state "the distance between the reference plane (e.g., a taut string) and various points on a rotational body may be manually measured" this implies that a reference plane can be simulated with a string that lies in the plane.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Allowable Subject Matter

Claims 3-6, 8, 9, 12, 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke D. Ratcliffe whose telephone number is 571-272-3110. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3662

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LDR

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